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Edition 1 2011

President's Message — William Larsen



We have a full schedule planned for the May 17th Luncheon Meeting — two sets of elections, the presentation of annual awards, and a guest speaker. Hopefully you'll get in some networking time. The Chapter's conversion from a calendar to a fiscal year requires a Chapter Bylaws amendment. We will vote to approve the amended Bylaws, which have been approved by the Board, at Tuesday's meeting. We will also be voting for the slate of members nominated by the Nominations and Award Committee to run for elective office. The slate includes:

- President Elect - David Graeler, Esq.
- Treasurer - Kenneth Stanberry, SR/WA
- Secretary - Theresa Armistead
- PDC Chair - Andrew Thompson, SR/WA

The elected officers term will commence July 1st.

The volume of redevelopment-related work available to our members significantly declined approximately three years ago as issues including more frequent right to take challenges, agencies difficulties in securing private sector partners able to obtain construction financing, and a shifting public mood toward eminent domain reshaped the environment. Although the business press currently reports transaction volume and mortgage financing availability have increased in the private sector commercial property market it is difficult to forecast the fate of public sector commercial property redevelopment in California. If redevelopment agency backers had known Proposition 22's passage last November would be followed by a new governor's attempt to push SB 77 and AB 101 through the state legislature to dissolve redevelopment agencies, would they have committed the funds and political capital to support the Proposition last fall? Have SB 77 and AB 101 thus far failed to win passage due to the political strength of redevelopment's adherents or because the bills' sponsors are less enthusiastic to lay claim to the agencies' coffers since several agencies transferred tens of millions of dollars out of the reach of the State? Will support be won for the most recent legislative effort of redevelopment's supporters, the proposed SB 286, which seeks to assure the public that reform/retooling rather than elimination of redevelopment agencies is the best solution for California? The one thing that seems certain is that few of us will soon see our mix of work shift back to the percentage commercial property-related redevelopment work represented prior to 2009.

We encourage you to continue to bring prospective members to Chapter events and to send Dan Kazden contact information on those individuals you believe would benefit from becoming IRWA members. Dan may be reached at dankazden@sbcglobal.net or (805) 578-2400 extension 104.

Continued on page 2

Upcoming Events:

- ◆ 5/17/11—Membership Luncheon/ election of officers, Stevens Steakhouse, Commerce
- ◆ 6/12-15/11—Annual Education Conference, Atlanta
- ◆ 7/26/11—Past Presidents' Luncheon, Marina Del Rey

Ed Course Schedule

- ◆ C-400, Principles of Real Estate Appraisal, May 23-24, LACMTA, Los Angeles
- ◆ C-403, Easement Valuation, June 24, Downey
- ◆ C-205, Bargaining Negotiation, 7/14-15/11, Downey


President's Message — William Larsen

Continued from page 1

PDC Chair Andrew Thompson, SR/WA announced three Chapter members recently received the SR/WA designation. Congratulations to Kenneth Stanberry, SR/WA, Morton Bernstein, SR/WA, and Kenneth Caughlin, SR/WA.

I would like to acknowledge three members whose efforts have distinguished them recently. Marilyn Stuart, SR/WA, R/W-NAC has generated attendance at Chapter 1 courses by new members and non-members through very effective marketing and has participated in the planning for Chapter 1's sponsorship of the 2011 Tri-Chapter Holiday Luncheon. Jazmine Sunico has maximized the opportunities offered by the new IRWA career path by completing education requirements for the third tier of the generalist career path, RWP, since joining IRWA in 2010. Kelly Kitasato, R/W-AMC, in addition to work as Co-Chair of the Fall Seminar found the time to participate in the planning for the Tri-Chapter Luncheon and to take the lead on planning the Board Appreciation Dinner, which will be held at the Tournament of Roses House in Pasadena.

I look forward to seeing you at the membership meeting May 17th.



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January Luncheon Meeting Photos



Education Chair Tom Hanley, PE, SR/WA



Lourdes Romero, SR/WA



New members: Norman Eke, Adriana Raza, Mangione Mitchell, Chapter Membership Dan Kazdan, Keith Jackson, Chapter President William Larsen, Christine Voyvodich, and Shawn Gibson

January Luncheon Meeting Photo



Chapter Professional Development Chair Andrew Thompson, SR/WA, Chapter Scholarship Award winner Maria Valenzuela, William Larsen, and Scholarship Award winner Theresa Armistead

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Chapter 1 Education Course Schedule					
Course No.	Course Title	Days	Begin	Location	Facilitator
400	Principles of Real Estate Appraisal	2	5/12/2011	MTA	Finnegan
403	Easement Valuation	1	6/24/2011	Downey	Popwell
205	Bargaining Negotiations	2	7/14/2011	Downey	Brown
900	Principles of Real Estate Engineering	2	10/10/2011	TBA	TBA
901	Engineering Plan Dev. & Application	1	10/12/2011	TBA	TBA

Education Course Requests

If you have a particular class requirement or would like a particular class, please feel free to contact the Education Chair Tom Hanley at 714-809-4949 and request it. We have a fairly full schedule for 2011 and 2012 but can schedule more as needed. What better criteria do we have for scheduling a course other than a member needs it. If one member needs it many more probably do as well. Remember that we need a minimum 90 days to schedule and market the course being offered.

Course Marketing

If anyone has a talent for marketing and would like to try it out with our course schedule, we really need you. Again you can contact the Education Chair Tom Hanley at 714-809-4949 to discuss your ideas.

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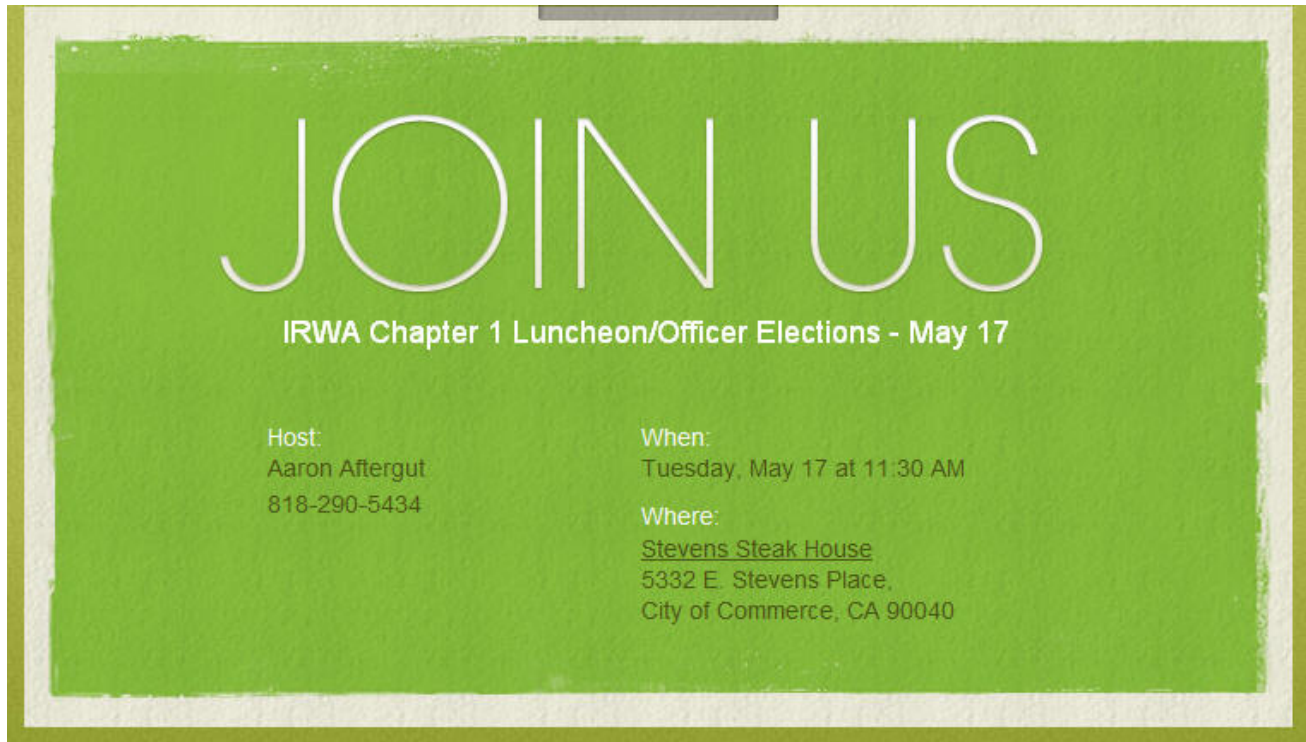
Call or Email:

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818-290-5444

Beth Finestone, MAI, FRICS
bfinestone@irr.com
818-290-5455

William Larsen
President 2010/2011
IRWA Chapter No. 1
wlarsen@irr.com
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www.irr.com/losangeles



The May 17, 2011 luncheon meeting will include the election and installation of Chapter 1 officers for the 2011/2012 fiscal year. Please RSVP to the Evite invitation you received

The luncheon is free to all IRWA Chapter 1 members who hold any IRWA designation and who RSVP in advance. The cost is \$16.00 for all others.

John C. Murphy, Esq. of Murphy & Evertz will speak on "Pre-Condemnation Practice: How to Avoid Early Mistakes; Special Strategies for Multiple Parcels."

With any questions or comments, please contact Chapter 1 Luncheon Chair Aaron Aftergut at 818-290-5434 or aaftergut@irr.com.



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Aaron D. Amster, ASA
 President

Calendar of Events May – December 2011

May	17	10:30 – 11:30 AM	Board Meeting	Stevens Steakhouse Commerce
May	17	11:30 AM – 1:30 PM	Membership Meeting including election and installation of officers for 2011/2012 fiscal year	Stevens Steakhouse Commerce
June	12-15	8:00 AM – 5:00 PM	Annual Education Conference	Hilton Hotel Atlanta, GA
July	26	TBA	Board Meeting	Marina Del Rey location TBA
July	26	11:30 AM – 1:30 PM	Membership Meeting – Past Presidents' Luncheon	Marina Del Rey location TBA
September	TBA	10:30 – 11:30 AM	Board Meeting	Stevens Steakhouse Commerce
September	TBA	11:30 AM – 1:30 PM	Joint Membership Meeting with ASA	Stevens Steakhouse Commerce
October	25	8:00 AM – 4:30 PM	Fall Seminar	Quiet Cannon Montebello
December	TBA	TBA	Tri-Chapter Holiday Luncheon	Los Angeles County Location TBA

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Member Spotlight

Bob Thorpe

Former Caltrans Property Manager



I have just retired from Caltrans, most recently serving as a property manager for the parcels under the Roberti Law on the Interstate 710 corridor, and as District 7 Railroad Coordinator, where I negotiated for the acquisition of right of way from UPRR, BNSF, and our local rail authorities. After twenty years of State service, I am looking for new challenges and opportunities to apply the skills and knowledge that I have acquired from both Caltrans and IRWA.

The International Right of Way Association has always been a large part of my background and training. When I joined Caltrans in 1991, the Right of Way Academy consisted of IRWA courses 101-A, 101-E, 101-L, 101-N, and 501. These courses provided a solid understanding of Acquisition, Engineering, Law, Negotiation, and Residential Relocation Assistance. When I first joined Caltrans, we were reimbursed for IRWA dues, because of the value seen in the interaction between our staff and other Right of Way professionals.

Later, when funds were no longer available from the State, I saw the value of paying from my own pocket to attend the courses which ultimately helped me attain the SR/WA designation, which I have held for the last four years. This designation is now recognized by many government and private employers as the proof of knowledge and experience that sets a candidate above other job applicants within the Right of Way profession.

I have recently had the pleasure of attending two outstanding courses in the process of SR/WA re-certification: Course 201, Communications in Real Estate Acquisition, taught by Carol Brooks, a Master Facilitator for IRWA and now a columnist for Right of Way Magazine. I can't say enough about Ms. Brooks enthusiasm, professionalism, and depth of knowledge in communication skills.

I also was pleased to attend Course 901, Engineering Plan Development and Application. What I appreciated most was the in-depth review of material that I had not formally studied for twenty years. The facilitator's humor and stories from experience added a lot to the lectures.

Perhaps because I started my career in the Relocation Assistance Program at Caltrans, I have always felt that I was helping people – not only the State, my employer, but my relocation clients who were often experiencing the stress of an unexpected move. Being able to offer the information and assistance that clients in transition needed was very satisfying.

I have been asked why I chose to re-certify as an SR/WA and continue my IRWA membership after retirement. The truth is that I do not expect to be retired for long. After taking a deep breath, and a short trip or two with my lovely wife and my Norwegian Elkhound, I shall be looking for new challenges and opportunities in Right of Way. I feel exceptionally lucky to have been chosen to write this Member Profile, and am proud and happy to be an IRWA member.

Case of the Month

By John E. Mackel III, Esq., Partner, Demetriou, Del Guercio, Springer & Francis, LLP

“A Widespread Industry Practice in CEQA Analysis of Transportation Projects Gets Reigned In”

EIRs – Use of Post-Approval Environmental Baseline for Project Impact Analysis Held Improper

Sunnyvale West Neighborhood Assn. v. City of Sunnyvale City Council (2010) __ Cal.App.4th __; 2010 DJDAR 18843 (“Sunnyvale”)

The California Environmental Quality Act (“CEQA”) requires governmental agencies to compare the potentially significant impacts of proposed projects with an environmental “baseline.” CEQA provides that the baseline will normally reflect environmental conditions at the time environmental review is commenced. Although reported case law allowed baseline date deviations up to the date of project approval when supported by substantial evidence, practitioners and agencies regularly interpreted these cases to provide even greater latitude, especially in cases involving traffic, air quality and noise impacts for transportation projects. In the Sunnyvale decision, the Court of Appeal held that an Environmental Impact Report (“EIR”) cannot compare impacts to a baseline of projected future conditions on or after the date of expected project completion. Since this affects an industry wide practice, a number of EIRs being prepared, circulated for review or recently approved may be affected.

FACTS:

The City of Sunnyvale prepared an EIR for the proposed Mary Avenue Extension, which comprised a bridge over two freeways and light rail tracks. Among other things, the EIR compared traffic, air quality and noise impacts associated with traffic to a baseline of forecasted traffic conditions, without the project, in the year 2020, which was when the City expected to complete the project. The EIR contained no evaluation of these potential impacts against current conditions. In response to critical comments asserting that current conditions should have been used for comparison, city staff responded that the EIR had been prepared consistent with the impact analysis guidelines of the Santa Clarita Valley Transportation Authority, which guidelines were prepared by the Authority pursuant to state law.

ARGUMENTS:

Upon certification of the Final EIR, Sunnyvale West Neighborhood Assn. brought a writ of mandate proceeding which attacked the use of a future baseline. The Association cited CEQA Guideline section 15125, subdivision (a) which states:

“An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time . . . This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.”

In response, the City cited Save Our Peninsula Committee v. Monterey County Board of Supervisors (2001) 87 Cal.App.4th 99, for the proposition that it provided discretion in selecting the baseline based upon evidence contained in the EIR. Save Our Peninsula Committee stated:

“For instance, where the issue involves an impact on traffic levels, the EIR might necessarily take into account the normal increase in traffic over time. Since the environmental review process can take a number of years, traffic levels as of the time of the project is approved may be a more accurate representation of the existing baseline against which to measure the impact of the project.” (Id. at pp. 125 – 126.)

The decision in Save Our Peninsula Committee, which was endorsed by the Supreme Court’s decision in Communities for a Better Environment v. South Coast Air Quality Management Dist. (2010) 48 Cal.4th 310, led some practitioners and agencies to believe that a later baseline year could be used so long as the agency included substantial evidence supporting its decision in the EIR. However, the decision in Sunnyvale substantially constrains that interpretation. While acknowledging the Supreme Court’s endorsement of Save Our Peninsula Committee, the Sunnyvale decision noted that the Supreme Court “never sanctioned the use of predicted conditions on a date subsequent to EIR certification or project approval as the ‘baseline’ for assessing a project’s environmental consequences.”

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Moreover, Sunnyvale held that the choice of a baseline year is a matter of law rather than a matter of an agency's factual determination citing Save Our Peninsula Committee. This means that, under CEQA, agencies do not have discretion to pick baseline years after the project approval date. The decision went on to find that even if the agency had such discretion, the Santa Clarita Valley Transportation Authority would not have provided the basis for such discretion because those guidelines did not require that a 2020 baseline be used for CEQA purposes, even if they required their use for other purposes.

Additionally, the Sunnyvale court acknowledged the superficial appeal of the City's argument that the use of a future baseline when traffic conditions are expected to worsen resulted in a more conservative approach than comparison to current circumstances. However, this argument was rejected because the court found that the use of such future baselines can improperly obscure "the existence and severity of adverse impacts that would be attributable solely to the project under the existing conditions without the other assumed roadway improvements." The omission of such information would be essential to a basic understanding of whether the project may result in significant impacts in comparison to existing conditions. Therefore, the Sunnyvale decision invalidated the EIR due to the improper use of a 2020 baseline year, which was more than a decade after project approval.

The Sunnyvale decision was careful to point out that the discussion of foreseeable future conditions in the EIR may not only be desirable, but also necessary for a complete understanding of potential project impacts in compliance with CEQA, such as in the discussion of cumulative impacts or the "No Project Alternative." However, such analysis should not be part of the comparison with existing baseline conditions. Agencies with uncertified EIRs that may not comply with Sunnyvale should consider an amendment. Additionally, although the City's EIR had only evaluated year 2020 conditions for the impacts in question, the decision appears to leave the door open for other courts to find that there is no prejudicial error as the result of the failure to consider the correct baseline year as long as the current year's conditions were also evaluated.

The Sunnyvale decision is subject to potential review by the California Supreme Court. At the time of writing, the time has not passed for such review to be sought.

Updating Your IRWA Membership

1. Visit www.irwaonline.org
2. Highlight “Resources” in the upper right hand corner and then click on “Membership Directory”.
3. Click on Update Member Profile.
4. Enter your User Name and Password and click on Login. Your User Name is your membership number (contained on your membership card and dues renewal notice) and the Password is your last name. The Password is case sensitive, so ensure you capitalize the first letter and leave the rest in non-caps.
5. Update your information and click on “Submit. A new page will come up and you can choose to “Exit” or “Logout”.
6. That’s it! Your information will be automatically updated on the headquarters master list, which is also the one the Chapter uses for communications. Going forward, Chapter 1 monthly newsletters will be sent out via e-mail so it’s important to ensure your e-mail address is current.
7. If you do not have access to the Internet or have any questions about updating membership information, call Bonnie Gray at 310-538-0233.

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Appointed Board Chairs

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<i>Liaison</i>	Holly Rockwell, SR/WA, R/W-NAC Epic Land Solutions	310 626-4848	hrockwell@epicland.com
<i>Luncheon</i>	Aaron Aftergut Integra Realty Resources	818 290-5434	aaftergut@irr.com
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<i>Property Management</i>	Duncan Robb, SR/WA, R/W - AMC Epic Land Solutions	909-627-2590	duncanrobb@epicland.com
<i>Relocation</i>	Dionisio (Dio) Marquez	310 645-3729 x 226	Dionisio.marquez@drainc.com
<i>Valuation Seminar</i>	William Larsen, Integra Realty Resources Keith Settle, MAI Keith Settle and Associates	818 290-5428 818-707-1981	wlarsen@irr.com keithsettle@roadrunner.com
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Coming Soon!

**Course 400:
 Principles of Real Estate Appraisal**

**Course 400:
 Principles of Real Estate Appraisal**

Course Description:

This course introduces the principles of real estate and real property valuation to the participants. It is also a refresher course for the experienced right of way professional who would like to enhance his or her appraisal abilities.

At the conclusion of this two-day course, participants will be able to express an understanding of basic real estate terms and principles; demonstrate a basic knowledge of the valuation process and its components; discuss the definitions of and steps in each of the three approaches to value (cost, sales comparison and income capitalization); and solve problems that show an understanding of the three approaches to value. In addition, two case studies (residential and commercial) will be utilized throughout the course.

Course Level:

Beginning

Topics:

- Types and Uses of Appraisals
- Types of Value
- Area and Site Analysis
- Highest and Best Use Analysis
- Sales Comparison Approach
- Reconciliation and Final Value Determination
- Introduction to Partial Acquisitions
- Economic Principles
- The Appraisal Process
- Market Analysis
- Cost Approach

AQB Credits:

The Appraiser Qualifications Board (AQB) has reviewed and approved this course for the following: *15 hours QE, 15 hours CE/E, 14 hours CE, Classroom through October 26, 2012.*

Course Tuition Includes:

Participant's manual, USPAP Textbook

Required Materials:

Handheld Calculator

Who Should Take This Course:

This course is ideal for new appraisers, for individuals contemplating entering the appraisal field and for experienced appraisers in need of a refresher course.

Course 400: May 23-24, 2011 Los Angeles, CA Register online at www.irwaonline.org, or Fax this entire page to IRWA HQ: (866) 388-7419

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Company Name				
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Member Tuition	Non-Member Tuition	Total Tuition Amount Due
\$415.00	\$520.00	\$_____

Total Member Registrants: _____
Total Non-Member Registrants: _____

PRINT NAME AS IT APPEARS ON CARD: _____

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Course 400: Principles of Real Estate Appraisal

Sponsor: IRWA Chapter 1
Date: May 23-24, 2011
Time: 8:00 AM—5:00 PM Daily
City: Los Angeles, CA

Class Location:
 L.A. County Metropolitan Transportation Authority
 One Gateway Plaza
 Los Angeles, CA 90012
 Phone: (213) 922-5253

Four Ways to Register:
Online: www.irwaonline.org
Fax: (866) 388-7419
Phone: (310) 538-0233, x138
Contact Coordinator

Cancellation Policy: All classes scheduled by IRWA chapters are subject to cancellation. All class registrants are encouraged to contact the Course Coordinator prior to making travel arrangements, keeping in mind that the class may be canceled at any time at the chapter's discretion. Fully liquidated damages for any losses incurred by a class registrant are limited solely to a refund of the registrant's prepaid course registration, if any, and IRWA and its chapters assume no other registrant liability resulting from class cancellation. Please see irwaonline.org for complete policy details.

Refund Policy: Written notification of intent to cancel registration must be received by both the Course Coordinator and Headquarters Staff prior to the class start date in order to be eligible for a tuition refund. 100% refund if notice is received 15 days or more prior to class start date; 75% refund if notice is received less than 15 days prior; no refund will be issued for notice received on or after class start date.

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Course Coordinator:
 William Larsen
 Integra Realty Resources - Los Angeles
 16030 Ventura Blvd., Suite 620
 Encino, CA 91436
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About the Facilitator:
James H. Finnegan, SR/WA is a Right of Way consultant, specializing in best practices, acquisition and relocation. He was formerly Senior Vice President, Western Division, of Universal Field Services, Inc. Prior to joining Universal Field Services he operated his own consulting business, providing project management services. Mr. Finnegan spent over 20 years with the California Department of Transportation, having held several top management positions including that of Chief Appraiser. He has been a consultant to the U.S. Office of Management and Budget, providing guidance in the drafting of regulations relating to the Uniform Relocation Assistance and Real Property Acquisition Act. Mr. Finnegan has also testified before Congress on matters pertaining to the Uniform Act. Mr. Finnegan has held several IRWA committee positions, including having served on the Association's International Executive Committee, and was the 2006-2007 International President of the Association.



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Coming Soon!
Course 403:
Easement Valuation

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Easement Valuation

Course Description:

"Easement Valuation" is taught as a practical, hands-on course. Participants will learn specific methods and procedures to measure and value property before and after an encumbrance, as well as damages, if any result.

Prerequisites:

It is highly recommended that participants successfully complete IRWA Course 400 "Principles of Real Estate Appraisal", or equivalent, prior to attending this class.

Topics:

- The Nature of Easements, Bundle of Rights, Easements v. Licenses en gross v. appurtenant, Creation/duration, Residuals and Reversionary Interests
- The 2 Approaches to Valuation: Before and After (Federal Rule), Value of the part taken plus damages (State Rule)
- Steps in the Appraisal Process (State Rule): How to value the whole Larger Parcel, When the taking is typical of the whole, When the taking is not typical of the whole, How to value the part taken, Use of paired sales, The Three R's
- Damages, Severance, Cost-to-cure, Change in highest and best use, Increased cost of operation, Restraints upon future development
- How to Value Temporary Easements
- Appraisal of Special Easements, Scenic, Slope, Flood, Flowage, Air rights, Others

Course Level:

Intermediate

AQB Credits:

The Appraiser Qualifications Board (AQB) has reviewed and approved this course for the following: *8 hours CE/E, 7.25 hours CE, Classroom through August 12, 2012.*

Course Tuition Includes:

Participant's manual

Required Materials:

Handheld Calculator

Who Should Take This Course:

This course is designed for right of way practitioners who are in the appraisal field.

